

**MEMORANDUM ON LOW-BARRIER ADMISSIONS POLICIES:
PROHIBITION OF CREDIT AND BACKGROUND CHECKS IN NYC SUPPORTIVE HOUSING**

The U.S. Department of Housing and Urban Development (HUD) requires that all supportive housing projects implement "Low Barrier admissions policies." HUD's definition of Low Barrier admission policies specifies that **"Permanent supportive housing's admissions policies are designed to screen-in rather than screen-out applicants with the greatest barriers to housing, such as having no or very low income, poor rental history and past evictions, or criminal histories."**¹ Some common leasing practices in the rental housing industry, such as conducting credit and criminal background checks as part of the tenant selection process, are noncompliant with the Low Barrier admission policies that are required in supportive housing. Therefore, the **NYC supportive housing administrating agencies are instructing all of their contracted supportive housing providers to cease conducting credit and background checks on supportive housing applicants immediately.**

Supportive housing is a critical tool for providing permanent, affordable homes to New Yorkers who need service supports to remain stably housed. Our Agencies are proud to partner with the largest network of supportive housing providers in the country to serve New Yorkers with some of the most challenging housing needs. In response to HUD's recommendations, the City determined that eliminating credit and background checks is a necessary step to serve New Yorkers more efficiently and equitably. We look forward to continuing to work with our partners to streamline the process for getting New Yorkers safely housed and to ensure that tenants have the support they need to succeed.

HPD, HRA and DOHMH will be working together to ensure that all supportive housing projects are implementing Low Barrier admission policies, eliminating credit checks, criminal background checks, and other exclusionary screening criteria across all projects.

Frequently Asked Questions

Q1: When will this become effective?

A1: Your organization should implement these policies immediately if you have not done so already. If your agency partners with a management company, please be sure they are aware of this guidance and that they remove credit and background checks from their processes. HUD has recommended low barrier admissions for permanent supportive housing for several years now. HPD, HRA, and DOHMH are reminding our partners of this policy and are committed to ensuring it is in use across our portfolios.

¹ <https://www.hudexchange.info/resource/3892/housing-first-in-permanent-supportive-housing-brief/>

Q2: Which supportive housing programs/contracts/funding sources does this requirement apply to?

A2: All supportive housing placements referred by HRA and/or organizations contracted by DOHMH and HRA and going into HPD- or HDC-financed housing are required to implement low-barrier admissions policies.

Q3: Doesn't this put the landlord and/or other residents and/or children at risk for something that could be prevented?

A3: Typically, landlords conduct credit checks to determine if the applicant will be able to pay their rent regularly and on time. Most supportive housing placements come with a rental subsidy that covers most of the rent; thus, credit is less relevant. Furthermore, credit is not the best predictor of a tenant's ability to pay rent.

Research also shows that previous criminal system involvement is not a good predictor of future behavior or successful tenancy. Furthermore, access to stable, secure housing is correlated with lower rates of recidivism² and a higher likelihood of successful reentry (employment, participation in services etc.)³ Supportive housing is also evidenced to predict significant decreases in justice involvement for participating tenants.⁴

Q4: How will the City work closely with all housing providers to ensure that there are clear supports in place for applicants that may need a higher level of support?

A4: Applicants who are approved for the supportive housing program all receive support from the social service provider on-site. Applicants who are approved for the supportive housing program all receive case management from the program's social service provider. Applicants referred to supportive housing have been determined to need easily accessible, on-site case management services to maintain stable housing and live independently. The on-site case management should engage tenants in services offered by the supportive housing program and link tenants to additional resources in their community consistent with person-centered service plans. A key principle of supportive housing is community integration. Connection to local resources, activities and services that supports

² <https://www.csh.org/wp-content/uploads/2022/02/Reduce-Homelessness-for-People-Impacted-by-the-Criminal-Legal-System.pdf>

³ <https://www.dshs.wa.gov/sites/default/files/rda/reports/research-11-193.pdf>

⁴ <https://www.sciencedirect.com/science/article/pii/S0955395912001533>

health and recovery. Supportive housing providers can [find behavioral health services on 988/NYC Well's website](#), including mental health and substance use clinics, clubhouses, supported education, supported employment, peer support and self-help programs. This resource database is searchable by zip code, payment information, specialty, etc. Some tenants may require more assertive models of mental health treatment and psychosocial rehabilitation, such as Assertive Community Treatment (ACT). Housing providers can refer tenants to [NYC DOHMH's Single Point of Access](#) to determine eligibility and access these services that engage the tenant in their apartment.

Q5: Is the City checking to see if applicants have been kicked out of supportive housing for aggression towards staff?

A5: Safety of supportive housing staff and all tenants are of the utmost concern to all. Placement entities making referrals to supportive housing projects do not have access to applicants' eviction records. All supportive housing providers are required to conduct assessments of tenants upon intake into their programs. Based on this assessment, and the tenant's stated goals and needs, supportive housing providers can address histories of aggression or violence through linkages to services in the community. Providers use evidence-based practices to engage and support tenants. All staff, including non-case management staff should be trained in person centered support, understanding de-escalation and crisis intervention. The case management services are based upon the person-centered service plan that is developed with each tenant's stated goals and needs.

Q6: Doesn't HUD require we screen for life-time sex offenders and/or convictions regarding production of methamphetamine in public housing?

A6: These 2 automatic bars to admission apply only to projects in which they are required by HUD. The federally assisted programs that may have certain automatic bars to admission include, but are not limited to, the following:

- (1) Public housing;
- (2) Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f);
- (3) Housing that is assisted under Section 202 of the Housing Act of 1959, as amended by Section 801 of the National Affordable Housing Act (12 U.S.C. 1701q);
- (4) Housing that is assisted under Section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act;

- (5) Housing that is assisted under Section 811 of the National Affordable Housing Act (42 U.S.C. 8013);
- (6) Housing financed by a loan or mortgage insured under Section 221(d)(3) of the National Housing Act (12 U.S.C. 1715l(d)(3)) that bears interest at a rate determined under the proviso of Section 221(d)(5) of such Act (12 U.S.C. 1715l(d)(5));
- (7) Housing insured, assisted, or held by HUD or by a State or local agency under Section 236 of the National Housing Act (12 U.S.C. 1715z-1); or
- (8) Housing assisted by the Rural Development Administration under Section 514 or Section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484).

If you think your project has this type of federal assistance or other funding that triggers these automatic bars, contact HPD for more guidance about how to maintain low barrier entry policies and adhere to these HUD eligibility requirements.

Q7: My building is close to a school. How does this policy affect our ability to screen for level two or level three sex-offenders who are also on parole, conditional release, or are a lifetime registrant who may have residency restrictions?

A7: People who are registered sex offenders and have residency restrictions must follow the reporting requirements of the jurisdiction that convicted them and the state in which they reside. Registered sex offenders must report their permanent address in New York State and to their parole officer, if applicable. Both federal and State law place the responsibility for complying with residency restrictions on the convicted sex-offender who is required to register under the terms of their release. See [Sex Offender Registry Frequently Asked Questions - NY DCJS](#) . DSS will take reasonable measures to identify alternative housing referrals when notified that a particular location may constitute a violation of such restrictions. If a person who is a registered sex offender is not prohibited by their conditions of release from living in at the address of a supportive housing project and becomes a tenant, the supportive housing provider can address the needs for support around the issue of past sexual offence with the tenant as part of service planning. This could include connecting the tenant to resources in the community and case coordination with the parole office.